

EXHIBIT

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Filed 13 November 14 A11:58
 Chris Daniel - District Clerk
 Harris County
 EP101J017820555
 By: Nelson Cuero

CIVIL CASE INFORMATION SHEET

2013-68685 / Court: 190

CAUSE NUMBER (FOR CLERK USE ONLY)

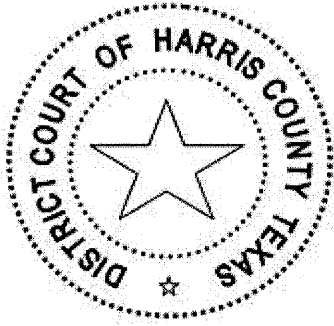
COURT (FOR CLERK USE ONLY)

STYLED JENNIFER LAKE, INDIVIDUALLY, ET AL VS. MARRIOT HOTEL SERVICES,

(e.g., John Smith v. All American Insurance Co.; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: <u>Randall O. Sorrels</u> Email: <u>rsorrels@abrahamw</u> Address: <u>800 Commerce St.</u> Telephone: <u>713-222-7211</u> City/State/Zip: <u>Houston, TX 77002</u> Fax: <u>713-225-0827</u> Signature: <u>[Signature]</u> State Bar No: <u>18855350</u>		Names of parties in case: Plaintiff(s)/Petitioner(s): <u>Jennifer Lake, et al</u> Defendant(s)/Respondent(s): <u>Marriot Hotel Services, Inc</u> [Attach additional page as necessary to list all parties]		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____	
2. Indicate case type, or identify the most important issue in the case (select only 1):					
Civil			Family Law		
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____ Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input checked="" type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ Related to Criminal Matters: <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____		Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____			
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax: _____		Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____			
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
4. Indicate damages sought (do not select if it is a family law case): <input checked="" type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000					



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this December 13, 2013

Certified Document Number: 58289334 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

Filed 13 November 14 A11:58
Chris Daniel - District Clerk
Harris County
ED101J017820555
By: Nelson Cuero

2013-68685 / Court: 190

CAUSE NO. _____

JENNIFER LAKE, Individually and as	§	IN THE DISTRICT COURT OF
Representative of the Estate of Frederick	§	
William Lake, III, Deceased, and as Next	§	
Friend of Frederick W. Lake, IV, Katherine Lake,	§	
and Parker Lake,	§	
Minors,	§	
Plaintiffs	§	
	§	HARRIS COUNTY, TEXAS
VS.	§	
	§	
MARRIOTT HOTEL SERVICES, INC.,	§	
and EXER – TECH, INC.	§	
Defendants	§	_____ JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION

Plaintiffs, JENNIFER LAKE, Individually and as Representative of the Estate of Frederick William Lake, III, Deceased, and as Next Friend of Frederick W. Lake, IV, Katherine Lake, and Parker Lake, Minors and would respectfully show unto the court and jury the following:

I. DISCOVERY CONTROL PLAN & REQUEST FOR DISCLOSURE

1.1 Pursuant to Rule 190.3 of the Texas Rules of Civil Procedure, Plaintiffs allege that discovery in this case should be conducted under Level 3.

1.2 Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendant is requested to disclose information and material described in Rule 194.2 (a)-(l) within **fifty days** after the service of this request.

II. PARTIES

2.1 Your Plaintiffs, JENNIFER LAKE, Individually and as Representative of the Estate of Frederick William Lake, III, Deceased, and as Next Friend of Frederick W. Lake, IV, Katherine Lake, and Parker Lake, Minors are all residents of Dallas County, Texas.

2.2 The Defendant, Marriott Hotel Services, Inc., is a foreign corporation, doing business in Texas, which can be served by serving it's attorney of record, Don Lighty at Stevens, Baldo, Freeman & Lighty, 550 Fannin, Suite 700, Beaumont, Texas 77701.

2.3 Exer-Tech, Inc. is a Texas corporation which can be served with process by serving its attorney of record, Tory F. Taylor at Litchfield Cavo, LLP, One Riverway, Suite 1000, Houston, TX 77056.

III. JURISDICTION & VENUE

3.1 This Court has jurisdiction in this case because damages are within the jurisdictional limits. Plaintiffs seek monetary relief over \$1,000,000.

3.2 Venue is proper in Harris County, Texas under § 15.002(a)(1) of the TEX. CIV. PRAC. & REM. CODE because all or a substantial part of the events or omissions giving rise to the claim occurred in Harris County, Texas.

IV. FACTUAL BACKGROUND

4.1 On May 15, 2013 Frederick William Lake, III was staying as a guest at the Houston Marriott George Bush Intercontinental Airport as a paying customer. The Houston Marriott George Bush Intercontinental Airport is owned and operated by the Defendant Marriott International, Inc. The Marriott George Bush Intercontinental Airport offers an exercise room to its guests and on May 15, 2013, Mr. Lake was using a treadmill in the exercise room when a

defective condition in the treadmill caused Mr. Lake to fall and strike his head. As a result of this fall, Mr. Lake suffered a serious injury to his head which in turn resulted in his death. The defective condition of the treadmill was a proximate cause of the death of Frederick William Lake, III. The treadmill in question was maintained by the Defendant Exer-Tech, Inc.

V. WRONGFUL DEATH AND SURVIVAL CLAIMS

5.1 This suit is brought under § 71.001 et seq. of the Texas Civil Practice and Remedies Code for the wrongful death of Frederick William Lake, III by the plaintiffs on behalf of all statutory beneficiaries.

5.2 This suit is also brought by the plaintiffs as the rightful heirs of Frederick William Lake, III under § 71.021 et seq. of the Texas Civil Practice and Remedies Code to recover all damages due to the estate of Frederick William Lake, III.

VI. PREMISES LIABILITY CAUSE OF ACTION

6.1 Mr. Lake was a paying customer at the Defendant's hotel and as such was an invitee. The hotel was in control of the premises at all times. The condition of the treadmill posed an unreasonable risk of harm to the users of the treadmill. The Defendant knew or reasonable should have known of the danger. The Defendant breached its duty of ordinary care by both failing to make the condition reasonable safe and failing to adequately warn the plaintiff of the condition. The Defendant's breach proximately caused the plaintiff's injury.

VII. NEGLIGENCE CAUSE OF ACTION AGAINST EXER-TECH, INC.

7.1 The death of Mr. Lake was proximately caused by the negligence of the Defendant Exer-Tech, Inc. in failing to properly maintain and repair the treadmill in question.

VIII. DAMAGES

Jennifer Lake, Individually

8.1 Plaintiff Jennifer Lake, as the surviving spouse of Frederick William Lake III is entitled to at least the following legal damages as a result of the conduct of the Defendants:

- (a) Loss of consortium, love, affection, companionship, society, support, counsel, guidance and contributions suffered, in the past, as a result of the death of her husband;
- (b) Loss of consortium, love, affection, society, support, counsel, guidance and contributions that, in reasonable probability, she will suffer in the future as a result of the death of her husband;
- (c) The grief, bereavement, emotional pain, mental anguish, torment and suffering experienced, in the past, because of the death of her husband;
- (d) The grief, bereavement, emotional pain, mental anguish, torment and suffering, in reasonable probability, she will suffer in the future as a result of the death of her husband; and
- (e) Lost wages, economic support and financial contributions in the past and in reasonable probability she will suffer in the future as a result of the death of her husband.

11.2 Each of the foregoing items of damage is in excess of the minimum jurisdictional limits of the Court.

Jennifer Lake As Next Friend of Frederick W. Lake, IV, Katherine Lake, and Parker Lake, Minors

11.3 Plaintiff Jennifer Lake brings suit as next friend of and on behalf of the minor children of Decedent, Frederick William Lake, III, Frederick W. Lake, IV, Katherine Lake, and Parker Lake, Minors, who are entitled to at least the following legal damages as a result of the conduct of the Defendants:

- (a) Loss of consortium, love, affection, companionship, society, support, counsel, guidance and contributions suffered, in the past, as a result of the death of their father;
- (b) Loss of consortium, love, affection, society, support, counsel, guidance and

contributions that, in reasonable probability, she will suffer in the future as a result of the death of their father;

- (c) The grief, bereavement, emotional pain, mental anguish, torment and suffering experienced, in the past, because of the death of their father;
- (d) The grief, bereavement, emotional pain, mental anguish, torment and suffering, in reasonable probability, she will suffer in the future as a result of the death of their father; and
- (e) Loss of inheritance, lost wages, economic support and financial contributions in the past and in reasonable probability they will suffer in the future as a result of the death of their father.

11.4 Each of the foregoing items of damages are in excess of the minimum jurisdictional limits of the Court.

XII. ACTUAL DAMAGES – SURVIVAL ACTION

12.1 Plaintiff Jennifer Lake, as representative of the estate of Frederick W. Lake, III, seeks to recover from Defendants, jointly and severally, the following damages incurred by Ismael T and his estate pursuant to Tex. Civ. Prac. & Rem. Code 71.021:

- (a) Physical pain and suffering experienced by Frederick William Lake, III prior to his death;
- (b) Mental anguish suffered by Frederick W. Lake, III prior to his death; and
- (c) Reasonable expenses for the funeral and burial of Frederick William Lake, III.

XIII. CONDITIONS PRECEDENT

13.1 All conditions precedent to Plaintiffs recovery have been performed or have occurred.

PRAYER

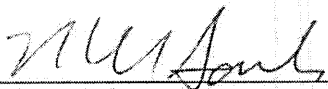
For the reasons stated above, Plaintiff respectfully requests that Defendant Marriott Hotel Services, Inc. be cited and commanded to appear and answer herein, that Plaintiff have and

recover of Defendants, jointly and severally, actual damages, pre- and post-judgment interest, court costs, and such other and further relief to which Plaintiffs may be justly entitled.

Respectfully submitted,

**ABRAHAM, WATKINS, NICHOLS,
SORRELS, AGOSTO & FRIEND**

By:



RANDALL O. SORRELS
State Bar No. 18855350
800 Commerce St.
Houston, Texas 77002
Telephone: 713-222-7211
Facsimile: 713-225-0827



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this December 13, 2013

Certified Document Number: 58289333 Total Pages: 10

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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